App. F. IX-4

1940

193 .

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*Previous References*

**File No.** 63-40

**Serial Nos.** 1

*Later References.*

(6)

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.*

**Part B for**

**SUBJECT.**

Patents of addition — Renewal fees.

WD 0573—GPB—22,500—12-9-39

Abbas Khan Khan

22-10-40

Patents & additions - Renewal fees

General and Revenue Secretariat | File No. of 194 . | [App. F. III-2

Serial No.

From

The Controller of Patents & Designs in Mysore Bangalore

7 Pat 104- 40-41 Mis dated 23 August 1940

regarding instructions in regard to fees for patents & additions.

The Controller states that exemption from payment of renewal fees on some patents which are in the nature off patents of addition, is being claimed by parties and he solicits instructions. Fees on them, it is stated, have been paid in full till the amendment of 1939, and in view of that enactment, exemption is now claimed.

A patent of addition is a new kind of patent introduced in England for the first time by the Act of 1907. It was introduced in British India by Act VII of 1930. In Mysore it first came into existence under the amending Act of 1939. Under the new section 15A, where a patent ~~of~~ has been applied for or granted, the ~~xxxxxx~~ applicant or patentee may apply for and obtain a patent in respect of any improvement in or modification of that original invention. This is called a patent of addition.

Such patents of additions being a new creation of law were, prior to the amending Act, treated as ordinary patents of invention and fees and renewal fees were being recovered thereon. They do not cease to be such and they cannot be deemed to become patents of addition merely because of the creation of such new patents by statute. They would contnue to be patents of invention which they were when they were first granted to the patentee.

NOTE—Contn. Sheet.

RENEWAL FEES ON PATENTS OF ADDITION.

File No. of 194 .

General and Revenue Secretariat

Serial No.

SEP 20 1940

2803

If approved, the Controller will be informed that such patents would not become patents of addition merely by a change in the law, and that renewal fees thereon will have to be recovered as before.

Submitted for orders.

13/9/40

The Amending Act of 1939 has no retrospective effect, and it cannot therefore ~~what is~~ convert what was originally registered as an independent patent into a patent of addition under the amended Act, although such a patent may be in the nature of an improvement. It continues to be an independent patent, and the provisions regarding non-payment of fees on renewal will not be applicable to it.

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Law Secy)
I ~~Attorney~~)

16/9/40
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23/9/40
23/9

TYPING SECTION
3 OCT. 1940
GEN. & REV. SECTT.

A draft reply to the Controller of Patents in the above line is put up

30/9/40

For approval
30/9

25-39
30/9

Law Secy)
(Draft approved by Secy)

30/9

d 5.10.40

3/10/39

Issued 1888/ to the Controller of Patents

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In reply please quote number, date & short title.

GOVERNMENT OF MYSORE

**DEPARTMENT OF INDUSTRIES AND COMMERCE.**

SECTT. 26 AUG. 1940 GOVT OF MYSORE

FROM

B. G. A. Mudaliar, Esq., B.A., B.Sc., A.M.I.Mech.E.,
Controller of Patents and Designs in Mysore, Bangalore.

2618

To

H. V. Narayana Rao, Esq., B.A., B.L.,
Secretary to the Government of Mysore
Law Department, Bangalore

No. F.Pat.104--40-41-mis.

Enclosures

Dated 21st 23 August 1940.

SIR,

Subject:--Patents of addition - Renewal fees -.

I have the honour to state that Section 15 of the Mysore Patents and Designs Act iii of 1925 as amended by Act XV of 1939 provides for the grant of a Patent-of-addition in respect of any further patent which is in the nature of improvement in or modification of the original invention for which a patent has been applied for and granted - vide Section 15-A(1). It is also provided (Section 15-A(2)) that no fees shall be payable for renewal on such patents of addition so long as the original Patent to which they relate is in force.

2. The renewal fees on some patents which are of the nature of Patents of addition, have been paid in full by parties till the date of amendment of the Act iii of 1925 by Act XV of 1939. They now claim exemption from the further payment of renewal fees on such -- Patents of addition according to amended Section 15-A(2) referred to above.

3. It is not clear whether the provisions of this section are applicable to Patents (which are in the nature of Patents of addition but which are not granted as such there being no provision in Act iii of 1925) granted prior to July 1939, when the Act was amended or

p.t.o.

or, whether they are to be interpreted as applying only to Patents of addition granted after the amendment of the Patents and Designs Act of 1925 or whether the patents granted prior to July 1939, which are actually of the nature of Patents of addition to an original Patent but which are not granted as such, as there was no such provision then, may be treated as Patents of addition and exemption from the payment of renewal fees granted to them from the date, the amended Act came into force, i.e. July 1939. I request you to be so good as to clarify this point in order to enable me to deal with the applications claiming exemption under Section 15-A-(2) from the payment of renewal fees, under the circumstances explained above.

I have the honour to be
Sir
Your most obedient servant

Controller of Patents & Designs

L.R

To

The Controller of Patents and Designs in
Mysore

Subject:- Patents of Addition - Renewal fees.

Sir,

With reference to your letter No. F.Pat.104/40-41/Mis. dated 23rd August 1940 on the above subject, I am directed to state that as a Patent of Addition is a new kind of patent introduced in Mysore by the amending Act of 1939, patents granted prior to the date of coming into force of the amending Act cannot be treated as Patents of Addition. As such, the fees leviable prior to the amending Act have to be levied even thereafter.

I have etc.,

30/9

Secretary to Govt.
Law Department.

30/9

**GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE**

**General and Revenue Secretariat.**

No. P1888

*Dated, Bangalore,* 5.10.40

FROM

*The Secretary to the Government of His Highness the Maharaja of Mysore.*
**Law Department.**

To

The Controller of Patents and Designs in Mysore,
B a n g a l o r e .

PATENTS OF ADDITION - RENEWAL OF FEES.

Sir,

With reference to your letter No. F. Pat. 104/40-41 Mis. dated the 23rd August 1940 on the above subject, I am directed to state that as a Patent of Addition is a new kind of patent introduced in Mysore by the amending Act of 1939, patents granted prior to the date of coming into force of the amending Act cannot be treated as Patents of Addition. As such, the fees leviable prior to the amending Act have to be levied even thereafter.

I have the honor to be,

S i r

Your most obedient servant,

h

for Secretary to Government,
Law Department.

P.H.